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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/723,099	11/27/2000	William H. Fuller	W&W / 07	5351

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EXAMINER	
MEHRA, INDER P	

ART UNIT	PAPER NUMBER
2666	

DATE MAILED: 07/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/723,099	FULLER ET AL.	
	Examiner	Art Unit	
	Inder P. Mehra	2666	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on 2/25/2005.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-33 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-33 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This is in response to application dated: 2/25/2005. Based on this amendment, claims 16, 7, 13-25, and 27 have been amended. Claims 1-33 are pending.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 25-33 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 25 (lines 5-10), is amended to recite the limitation "analog telephone line to capture **data selected from the group comprising dialed number information service data and automatic number identification data**, and

a digital communication connection for delivering a request for service with **data selected from the group comprising** said **dialed number information service data and said automatic number identification data.".**

This amendment is not supported by specification, refer to page 9 lines 13-14, which discloses "**dialed number information service data or automatic number identification data".** This amended claim changes the scope of the invention. According to amended limitation

of claim, data can be selected from both "**dialed number information service data and said automatic number identification data**", whereas specification discloses either **dialed number information service data or said automatic number identification data.**

Appropriate correction/clarification is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-2, 5-6, 8-11, 13-14, 17-18, 20-23, 25, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Jones et al** (US Patent No. 6,404,764), hereinafter, Jones, in view of **Umansky et al** (US Patent No. 6,868,080), hereinafter, Umansky.

For claims 1, 13 and 25, Jones discloses a method (claim1), system (claim 13)and call forwarding manager (RJ41 in fig. 3) (claim 25) in reference to figs 1-6; providing internet telephony to a subscriber premises via a subscriber internet connection to said subscriber premises using analog telephone connection, refer to fig. 2, abstract and col. 1 lines 5-10 and lines 30-35; comprising:

- providing a voice gateway 10 in figs 1-4, converting internet telephony and analog telephony standards to facilitate the facilitate the use of Internet and analog telephony by said subscriber, refer to col. 2 lines 5-10 and col. 2 lines 10-20;

- providing a call forwarding manager connected to said subscriber telephone line, refer to RJ41 in fig. 3, "arbitrate the in-premises POTS network 20, col. 2 lines 35-41;
- providing an internet protocol telephone at said subscriber premises, refer to col. 1 lines 5-10 and col. 2 lines 11-18;
- receiving an analog telephone call from said analog telephone line said call forwarding manager, and responding to said reception by generating by generating a request for service (first signal) from said voice gateway, refer to "first signal", col. 3 lines 28-37, col. 9 lines 27-43;
- generating an internet telephone connection from said voice gateway to said internet protocol telephone at said subscriber premises in response to said request for service from said forwarding manager, refer to col. 2 lines 15-41 and
- connecting said analog telephone call via said voice gateway to said protocol telephone via said subscriber internet connection, refer to col. 2 lines 15-19.
- **as recited by claim 25,** analog telephone connection for connection to said analog telephone line (RJ41 in fig. 3, col. 2 lines 35-40 and 49-58); to capture one or more of dialed number information service or automatic number identification data, refer to col. 9 lines 19-26 and lines 44-60;
- **as recited by claim 25,** a digital communications connection for delivering a request for service including one or more of said dialed number information

service data or automatic number identification data, refer to "caller identification data", col. 8 lines 12-67.

Jones does not disclose expressly the following limitation, which is disclosed by Umansky, as follows:

- "generating a request for service from said voice gateway, ("**sends a request to the originating gateway to establish a new VoIP call", refer to claim 23.**

It would have been obvious to a person of ordinary skill in the art at the time of the invention to use the capability of "generating a request for service from said voice gateway". This capability can be combined out side the premises of the subscriberpremises. The suggestion/motivation to do so would have been to facilitate the accessibility to Internet network by multiple IP telephone subscribers.

For claims 2 and 14, Jones discloses all the limitations of subject matter, as in claims 1 and 13 above, including the following limitation:

- said call forwarding manager is located at subscriber premises and analog telephone line connects to said subscriber premises, refer to col. 2 lines 35-40 and incoming call handler 54 in side telephony manager 38 part of gateway 10, refer to col. 3 lines 60-65.

For claims 5 an17, Jones discloses the subject matter including the following limitations:

- providing a call manager said call manager receiving said request for service

from said call forwarding manager (off-hook condition is detected –that signifies a VOIP based call---otherwise PSTN call, refer to abstract), refer to col. 9 lines 27-50; , said call manager establishing an internet telephone connection from said voice gateway to said Internet protocol telephone for use by said voice gateway, refer to "places the VOIP based call via Internet, refer to abstract and col. 9 lines 45-50.

For claims 6 and 18, Jones discloses the subject matter including the following limitations:

- said call manager performs a data driven call management application, refer to "system controller", refer to "contains functions and operates in a manner similar to microprocessor", col. 3 lines 15-25 and lines 60-63.

For claims 8-11, 20-23, 32, Jones discloses the subject matter including the following limitations:

- **as recited by claims 8 and 20,** "said call forwarding manager receives dialed number information service data regarding said analog telephone call and forwards said dialed number information service data as part of said request for service", refer to col. 9 lines 19-26.
- **as recited by claims 9 and 21,** "dialed number information service data is used in identifying said Internet protocol telephone as a receipient of said analog telephone call", refer to col. 9 lines 19-26.

- **as recited by claims 10 and 22,** "said call forwarding manager receives automatic number identification data regarding said analog telephone call and forwards said automatic number identification data as part of said request for service, refer to col. 9 lines 19-26.
- **as recited by claims 11 and 23,** "said automatic number identification data is used in identifying said Internet protocol telephone as a recipient of said analog telephone call", refer to col. 9 lines 19-26.
- **as recited by claim 32,** "an ADSL, cable, or wireless modem, refer to col. 2 lines 25-27.

6. Claims 3-4, 15-16, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Jones et al**, hereinafter, Jones, as applied to claims 1, 15 and 25 above, in view of **Umansky et al** (US Patent No. 6,868,080), hereinafter, Umansky, further in view of **Scott et al** (US Patent No. 6,760,324), hereinafter, Scott.

For claims 3-4 and 15-16, Jones and Umansky disclose all the limitations of subject of claims 3 and 15, with the exception of the following limitations, which is disclosed by Scott, as follows:

- "said voice gateway is remote from said subscriber premises", refer to col. 12 line 15-18,(D. 1 (d) , col. 21 line 2, and col. 54 lines 44-50.
- "said voice gateway is utilized by multiple subscribers simultaneously to provide conversion between Internet telephony and analog telephony standards", refer Jones's col. 5 lines 10-17, lines 28-30 and lines 39-41.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to use the capability of remote gateway. This capability can be combined out side the premises of the subscriber as taught by Scott. The suggestion/motivation to do so would have been to facilitate the accessibility to Internet network by multiple subscribers.

For claim 28, Jones and Umansky disclose all the limitations of subject of claims 25 , with the exception of the following limitations, which is disclosed by Scott, as follows:

* said digital communications connection comprises a parallel connection, refer to "parallel port of one's computer", col. 21 lines 60-63

It would have been obvious to a person of ordinary skill in the art at the time of the invention to use the capability of parallel connection. This capability can be combined out side the premises of the subscriber as taught by Scott. The suggestion/motivation to do so would have been to facilitate the accessibility to Internet network by multiple subscribers.

7. Claims 29-30 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Jones et al**, hereinafter, Jones, as applied to claims 1, 15 and 25 above, in view of **Umansky et al** (US Patent No. 6,868,080), hereinafter, Umansky, further, in view of **Scott et al** (US Patent No. 6,760,324), hereinafter, Scott, and **Packer et al** (US Patent No. 6,205,120), hereinafter, Packer.

For claim 29, Jones and Umansky disclose all the limitations of subject of claims 25 , with the exception of the following limitations, which is disclosed by Packer, as follows:

* said parallel connection comprises one or more of PCI, ISA and IEEE-488, refer to col. 5 lines 1-5.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to use the capability of parallel connection comprising one or more of PCI, ISA and IEEE-488, as taught by Packer. This capability can be combined at call manager which is part of gateway. The suggestion/motivation to do so would have been to facilitate the accessibility to Internet network by multiple subscribers.

For claim 30, Jones discloses "said request for service is delivered as an IP packet, refer to "packetizer 48", col. 3 lines 44-46.

8. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Jones et al**, hereinafter, Jones, as applied to claims 1, 15 and 25 above, in view of **Umansky et al** (US Patent No. 6,868,080), hereinafter, Umansky, further in view of **Zhang et al** (US Patent No. 6,661,785), hereinafter, Zhang, and **Turner et al** (US Patent No. 6,718,030), hereinafter, Tuener.

For claim 31, Jones and Umansky disclose all the limitations of subject of claims 25 , with the exception of the following limitations, which is disclosed by Zhang and Turner, as follows:

- firewall, refer to Zhang, abstract and abstract, col. 1 lines 60-67 and col. 8 lines 25-30;
- said VPN system for managing communications via said digital communications connection, refer to Turner, col. 7 lines 15-20.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to use the capability of firewall and VPN system, as taught by Zhang and Turner. This capability can be combined at call manager which is part of gateway. The suggestion/motivation to do so would have been to facilitate the accessibility to Internet network by multiple subscribers.

9. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Jones et al** hereinafter, Jones, in view of **Umansky et al** (US Patent No. 6,868,080), hereinafter, Umansky, and further in view of **Murphy et al** (US Patent No. 6,282,192), hereinafter, Murphy.

For claim 33, Jones and Umansky disclose all the limitations of subject of claim 33 , with the exception of the following limitations, which is disclosed by Murphy, as follows:

* "quality of service and RSVP service systems for managing communications via said digital communication", refer to col. 7 lines 50-55 and col. 8 lines 30-35.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to use the capability of quality of service and RSVP service systems, as taught by Murphy. This capability can be combined at call manager's (system controller, as taught by Jones) and also taught by Murphy. The suggestion/motivation to do so would have been to achieve quality of service.

10. Claims 7 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Jones et al**, hereinafter, Jones, in view of **Umansky et al** (US Patent No. 6,868,080), hereinafter, Umansky , **and further in view of Zhang et al** (US Patent No. 6,661,785), hereinafter, Zhang.

For claims 7 and 19, Jones and Umansky disclose all the limitations of subject of claims

7 and 19, with the exception of the following limitations, which is disclosed by Zhang, as follows:

* "said call manager provides enhanced services to said subscriber including one or more of establishing pick groups, hunt groups, call forwarding and voice measuring for internet protocol telephone of said subscriber, refer to col. 1 line 57 through col. 2 line 7.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to use the capability of call forwarding. This capability can be combined at call manager's (system controller, as taught by Jones) and also taught by Zhang. The suggestion/motivation to do so would have been to facilitate the accessibility to Internet network by call forwarding.

11. Claims 12 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Jones et al**, hereinafter, Jones, in view of **Umansky et al** (US Patent No. 6,868,080), hereinafter, Umansky and further in view of **Aldous et al** (US Patent No. 6,654,722), hereinafter, Alduous.

For claims 12 and 24, Jones and Umansky disclose all the limitations of subject of claims 12 and 24, including "said analog telephone call is connected to said voice gateway", refer to figs. 1-3; with the exception of the following limitations, which is disclosed by Alduous, as follows:

- delivery of one or more of TAPI, JTAPI, SCTP or proprietary interface commands to a telecommunications exchange, refer to Alduous's col. 3 lines 30-35 and fig. 3.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to use the capability of delivery of one or more of TAPI, JTAPI, SCTP or proprietary

interface commands to a telecommunications exchange, as taught by Alduous. This capability can be combined at call manager's (system controller, as taught by Jones) and also taught by Alduous. The suggestion/ motivation to do so would have been to have a VOIP based speech system.

12. Claims 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Jones et al**, hereinafter, Jones, in view of **Umansky et al** (US Patent No. 6,868,080), hereinafter, Umansky and further in view of **Whitridge et al** (US Patent No. 6,119,179), hereinafter, Whitridge.

For claims 26 and 27, Jones and Umansky disclose all the limitations of subject of claim 25, including Ethernet interface, in fig. 4, with the exception of the following limitations, which is disclosed by Whitridge, as follows:

- said digital communications connection comprises a serial connection", refer to col.5 lines 35-40 and 58-60.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to use the capability of using serial connection for digital connection, as taught by Whitridge. This capability can be combined at call manager's (system controller, as taught by Jones) and also taught by Whitridge. The suggestion/ motivation to do so would have been to have a VOIP based speech system.

\Response to Arguments

13. Applicant's arguments filed 2/25/2005 have been fully considered but they are not persuasive.

Applicant argues that Jones' device that aids the analog telephone is nothing like the

claimed call forwarding manager. Jones' device is an analog adapter (analog to VOIP converter); it converts an analog telephone call to VoIP. This is not the function presently claimed. The present claims 1 and 13 recite a function not accomplished by the Jones adapter, namely, receiving an analog call. and generating requests for service to a separate voice gateway that itself manages conversion between analog and VOIP standards. Nothing in Jones suggests such a function.

> In response, it is stated that Jones discloses, "**The whole-home IP telephone system with VoIP functionality and associated internet connectivity is embedded in the network premises gateway 10, thus allowing the network premises gateway 10 to enable access to the wide area network (WAN) and the internet 12", refer to col. 2 lines 14-20.**

Furthermore, the present claim 25 recites the ability to receive DNIS or ANI information from an analog telephone call, and deliver a request including one or both. Nothing in Jones suggests such a function. In short, nothing in Jones relates to forwarding or transferring incoming calls between their original termination point and a different termination point, for any reason much less for the reason of converting between analog and IP telephony, and nothing in Jones describes a device that would facilitate such a function.

In response, it is stated that Jones discloses "The IP telephony H.323 engine 36 is a standard H.323 engine for supporting VoIP-based calls. The IP telephony H.323 engine 36 integrates the in-premises POTS telephones 26 to the broadband WAN and internet 12 connection which allows the POTS telephones 26 to place and receive VoIP-based calls refer to col. 5 lines 18-23. Further, H.323 contains complete text to explain how to provide caller

identification services with H.323. Jones discloses, caller identification number, refer to col. 8 lines 12-67, and col. 9 lines 19-26 and lines 44-60;

Further, it is stated that Jones discloses "gateway 10 implemented in the present invention can be configured to support multiple telephone lines for customers who currently have more than one analog telephone line in their home or business; gateway 10 to arbitrate the in-premises POTS network 20 between "standard" PSTN-based calls and VoIP-based calls to and from the WAN and the internet 12. Such a connection allows all the POTS telephones 26 in the premises to be accessible via the network premises gateway 10, refer to col. 2 lines 15-20, 35-40 and 54-58 .

Jones discloses "generating a request for service (first signal) from said voice gateway, refer to "first signal", col. 3 lines 28-37, col. 9 lines 27-43;

However, Umansky et al (US Patent No. 6,868,080) discloses "**sends a request to the originating gateway to establish a new VoIP call", refer to claim 23.**

In light of above explanation, arguments by applicant are not persuasive.

14. Applicant's amendment to claim 25 necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Inder P. Mehra whose telephone number is 571-272-3170. The examiner can normally be reached on Monday through Friday from 8AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Inder Pal Mehra 7/12/05
Inder P Mehra
Examiner
Art Unit 2666

DANG TON
PRIMARY EXAMINER